IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 3410 of 2007(E)

PETITIONER:

LEELAMMA, W/O.JOSEPH,
EDAKULATHUR, KORATTY EAST,
THRISSUR DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS:

1. REGISTRAR OF BIRTH AND DEATHS,
KORATTY, (THE SECRETARY, KORATTY GRAMA
PANCHAYATH, KORATTY).

2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

BY ADV. SRI.SHEEJO CHACKO
SRI.M.N.MANOJ
SRI.PRASANTH K.DIVAKARAN
G.P. SHIR.BENCHAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.3410 of 2007

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Dated this the 24th day of May, 2007

J U D G M E N T

The petitioner claims to have been born on 7.2.1961. But unfortunately for her, in her S.S.L.C. Book her date of birth is wrongly entered as 14.1.1961. In her passport and other papers, the date of birth is shown as in the Baptism Certificate which shows her date of birth as 7.2.1961 as the correct date of birth. However, in view of the discrepancy between the Baptism certificate and the S.S.L.C. Book, the petitioner wants to get the S.S.L.C. certificate corrected. For this purpose, she wants to get the correct date of birth entered into the Register of Births maintained by the 1st respondent, for which, the petitioner made a proper application. The concerned Tahsildar conducted an enquiry and filed Ext.P6 report whereby he has reported that the correct date of birth of the petitioner is 7.2.1961. In spite of the same, the 2nd respondent refused to

register the date of birth of the petitioner as 7.2.1961 on the ground that registration can be made only on the basis of the S.S.L.C. Certificate and rejected her application, which is under challenge in this writ petition.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader appearing for the 2nd respondent and the learned counsel appearing for the 1st respondent.

3. The Registration of Births and Deaths Act, 1969 provides for a procedure for getting the births which occurred prior to coming into force of the Act, registered under the Act. It is invoking the said provision that the petitioner has approached the 2nd respondent. The whole intention of the petitioner in getting her birth registered is to get the S.S.L.C. certificate corrected in tune with her correct date of birth. In such circumstances, I do not understand the logic behind the reasoning of the 2nd respondent that the registration of the petitioner's date of birth can be done only after correction of the date of

birth in the S.S.L.C. certificate. What the R.D.O. is expected to do is to make appropriate enquiries regarding the date of birth of the petitioner and to enter the birth of the petitioner in the Register of Births with such date of birth ascertained after enquiry. The enquiry as directed by him has resulted in Ext.P6 report of the Village Officer, which categorically states that the petitioner's date of birth is 7.2.1961. That being so, the reasons mentioned in Ext.P7 order by which the petitioner's application has been rejected, does not appear to be sustainable. In the above circumstances, I quash Ext.P7 and direct the 2nd respondent to take appropriate steps to register the birth of the petitioner in the Registrar of Births in accordance with Ext.P6 report of the Village Officer. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.